

January 14, 2003

Re: Medical Dispute Resolution
MDR #: M2-03-0462-01
IRO Certificate No.: IRO 5055

Dear:

In accordance with the requirement for TWCC to randomly assign cases to IROs, TWCC assigned your case to ____ for an independent review. ____ has performed an independent review of the medical records to determine medical necessity. In performing this review, ____ reviewed relevant medical records, any documents provided by the parties referenced below, and any documentation and written information submitted in support of the dispute.

The independent review was performed by a matched peer with the treating health care provider. Your case was reviewed by a physician who is Board Certified in Orthopedic Surgery.

I am the Secretary and General Counsel of ____ and I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this case for determination prior to referral to the Independent Review Organization.

We are simultaneously forwarding copies of this report to the payor and the Texas Workers' Compensation Commission. This decision by ____ is deemed to be a Commission decision and order.

Clinical History:

This 47-year-old male claimant complains of low back pain radiating intermittently into the lower extremities with numbness and tingling sensations and weakness, resulting from an injury on _____. Physical examination reveals paravertebral muscle spasms and tenderness, straight-leg raising positive at 70 degree bilaterally, sensory and motor intact, and deep tendon reflexes normal. Muscle strength was graded as 4/5, bilateral lower extremities. Imaging studies included an MRI on 08/30/01, which demonstrated bulging discs at L2-3, L4-5, and L5-S1 with foraminal narrowing bilaterally at L5-S1, without mention of nerve root impingement.

Disputed Services:

Lumbar discogram with CT scan.

Decision:

The reviewer agrees with the determination of the insurance carrier. The reviewer is of the opinion that the procedure in question is not medically necessary in this case.

Rationale for Decision:

Based on this patient's history, physical findings, imaging studies, and literature reviewed (National Library of Medicine's MedLine, *Journal of the American Academy of Orthopedic Surgery*, *Journal of bone and Joint Surgery*), the proposed procedure has no proven efficacy in improving patient outcomes and, in fact, may lead to inappropriate surgery.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of this decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within ten (10) days of your receipt of this decision (28 Tex. Admin. Code 142.5©).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within twenty (20) days of your receipt of this decision (28 Tex. Admin. Code 148.3).

This Decision is deemed received by you **five (5) days** after it was mailed (28 Tex. Admin. Code 102.4(h) or 102.5 (d)). A request for a hearing should be sent to:

Chief Clerk of Proceedings
Texas Workers' Compensation Commission
P.O. Box 40669
Austin, TX 78704-0012

A copy of this decision should be attached to the request. The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute.

I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on January 14, 2003.

Sincerely,